

Atty. Docket No.: PC-1664

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICERECEIVED  
CENTRAL FAX CENTER  
JUL 25 2006

Applicant: STEPHEN M. FLUKER  
Serial No.: 10/817,283  
Filed: 04/02/2004  
For: HD DIGITAL RADIO COMBINING METHODS AND SYSTEMS  
Examiner: LE, LANA N Group: 2618

ELECTION

Commissioner of Patents  
And Trademarks

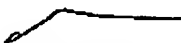
Honorable Commissioner:

I enclose the following papers:

1. ELECTION

Please enter the above correspondence.

Respectfully submitted,


  
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## CERTIFICATE OF FACSIMILE (37 CFR 1.8a)

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office to 1-571-273-8300 totaling 2 pages

7/25, 2006  
Date

Brian S. Steinberger  
(Name of Person Transmitting Paper)

  
(Signature of Person Transmitting Paper)

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Commissioner of Patents  
And Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed July 19, 2006, Applicant elects to prosecute with traverse Invention I, claims 1-18, and 26 drawn to a method of combining signals from a digital transmitter and an analog transmitter to produce a HD radio signal, classified in class 455, subclass 142.

Based on the restriction requirement, Applicant lists inventions readable thereon as follows:

Invention I: Claims 1-18, and 26 drawn to a method of combining signals from a digital transmitter and an analog transmitter to produce a HD radio signal, classified in class 455, subclass 142

Invention II: Claims 19-21, drawn to controlling transmission power output of a first and second transmitter, classified in class 455, subclass 522.

Invention III: Claims 22-25, drawn to a combining an analog output of an initial transmitter to an existing HVAC equipment in an existing building, classified in class 455, subclass 3.02.

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Applicant agrees the subject invention covers three different inventions. However, applicant disagrees with the restriction for other reasons. The Primary Examiner finds separate inventions in the Claims 1-26.

A policy consideration behind a restriction requirement would suggest that separate inventions exists that inherently would include separate prior art searches, examinations, examiners, etc.


Further, multiple examinations on these inventions would be repetitive and excessive. Separate prosecution can create an unnecessary financial burden for both the Applicant and the Patent Office. If all Inventions I-III can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicant.

For these reasons, Applicant requests reconsideration and withdrawal of the restriction requirement.

In reference to the restriction requirement, Applicant again wishes to make their election to prosecute the Invention I, claims 1-18, and 26 with traverse. If further restrictions are merited, please let us know.

Thus, for the above reasons, the restriction requirement is not proper and Applicant respectfully requests removal of the restriction requirement.

Respectfully submitted:

  
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Date 7/25/06